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* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY * Case No. 92-74-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Sections 1802.2.8 and 102.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) and from Section V.B.2 of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit front street setbacks of 10 feet and 28 feet in lieu of the required 40 feet, and a distance between principal structures of 10 feet in lieu of the required 40 feet, for a proposed bell tower in accordance with Petitioner's Exhibit 1.

The Petitioner, by Rev. Arthur E. Litke, appeared and testified. Also appearing on behalf of the Petition were Douglas Ketterman and Duane C. Milchling. There were no Protestants.

Testimony indicated that the subject property, known as 7041 Sollers Point Road, consists of .987 acres zoned D.R. 5.5 and is improved with a church, accessory sunday school and office building, and a residential dwelling. Petitioner is desirous of constructing a 38'6" bell tower structure in the northwest corner of the subject property as depicted on Petitioner's Exhibit 1. Testimony indicated that the subject bell is currently located in an old building and that in order to relocate the bell to the subject site, the relief requested is necessary. Rev. Arthur Litke testified that the site proposed was the only space available on the property that would not interfere with existing uses and still be visible to the public. He indicated the proposed site was also selected due to the fact that it would not involve the removal of any trees or shrubs. Testimony indicated the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding uses.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 3) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 23" day of October, 1991 that the Petition for Zoning Variance from Sections 1802.2.B and 102.2 of the Baltimore County

- 2-

Zoning Regulations (B.C.Z.R.) and from Section V.B.2 of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit front street setbacks of 10 feet and 28 feet in lieu of the required 40 feet, and a distance between principal structures of 10 feet in lieu of the required 40 feet, for a proposed bell tower, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

> 1) The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original

> > Deputy Zoning Commissioner for Baltimore County

TMK:bjs

Petition for Variance

entry onto the property that will be required in the future.

to the Zoning Commissioner of Baltimore County 92-74-1 The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.2.B, 102.2 (BCZR' and V.B.2 (CMDP) to permit front street setbacks of 10 feet and 28 feet and a between principal structure

setback of 10 feet all in lieu of the required 40 feet. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) The only other location that would seem to be practical is on the south-east side of the property but, this area is anticipated future parking and additional

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this

I/We do solemnly declare and affirm,

ESTIMATED LENGTH OF HEARING -1/2HR. +1HR. AVAILABLE FOR HEARING MON./TUES./WED. - NEXT TWO MONTHS ALL OTHER REVIEWED BY. WE DATE

petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

	under the penalties of perjuty, that 1/we are the legal owner(s) of the property which is the subject of this Petition.
tract Purchaser/Lessee:	Legal Owner(s): CHRIST LUTHERAN CHUKO
(Type or Pulut Rame)	Robert & Surely Pu Cype or Prince Name of Surely Pur Robert & Sureles
Signature	Signature
Address	(Type or Print Name) (Type or Print Name)
City and State	Signature
torney for Petitionor:	1041 Sollers Point R
(Type or Pelut Name)	Address Phone No. BALTIMORY 11D, 2122
Signature	City and State
Address	Name, address and phone number of legal owner, con- tract purchaser or representative to be contacted
City and State	THICKES W. KITTERNIA
	9736 GOUGH Sic 285-K

Beginning at southeast corner of the intersection of Sollers Point Road and Harrison Road. Thence extending along Harrison Road S 2 degrees 20 min. 30 seconds E, 299.85 feet to a point; thence N 87 degrees 22 feet 31 seconds E, 113.92 feet to a point; thence South 38 degrees 46 min. 09 seconds E, 102.56 feet to point on the right of way of Tyler Road; thence extending along the right of way of Tyler Road N 51 degrees 31 min. 51 seconds E, 125.84 feet to a point thence N 87 degrees 22 min 31 seconds E, 20.31 feet to a point on Sollers Point Road, thence along Sollers Point Road N 46 degrees 18 min. 30 seconds W, 414.57 feet to the point and place of beginning.



CERTIFICATE OF POSTING

- 3-

District		Date of Posting 19/19/
		· · · · · · · · · · · · · · · · · · ·
		MARCH FRANK N. V. K.
	4-	
Location of Signs:		the first of the second of the second
		and the state of t
Remarks:		
Posted by	Marie	Date of return: 1-/-1/-/
Mumber of Signe:	3/gastero	

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows: Case Number: 92-74-A S/Cor Sollers Point and Herrison Roads 7041 Sollers Point Road Petitioner(s): Christ Lutheran Church Hearing Date: Wednesday, Oct. 16, 1991 at 9:00 a.m. Variance: to permit front street and a between sturcture setback of 10 feet, all in lieu of the reCERTIFICATE OF PUBLICATION

TOWSON, MD., ______, 19_____ THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on ______, 19 ____.

THE JEFFERSONIAN.

5. Zefe Olm Publisher

Baltimore County Government Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

October 23, 1991

The Rev. Arthur E. Litke Christ Lutheran Church 7041 Sollers Point Road Baltimore, Maryland 21222

RE: PETITION FOR ZONING VARIANCE SE/Corner Sollers Point and Harrison Roads (7041 Sollers Point Road) 12th Election District - 7th Councilmanic District Christ Lutheran Church - Petitioner Case No. 92-74-A

Dear Rev. Litke:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

TIMOTHY M. KOTROCO

Very truly yours,

Deputy Zoning Commissioner for Baltimore County

TMK:bjs

cc: Mr. Douglas W. Ketterman 7236 Gough Street, Baltimore, Md. 21224

People's Counsel

NOTICE OF HEARING

The Zening Commissioner of Balti-mere County, by authority of the Zen-

ing Act and Regulations of Baltimore County will held a public hearing on

the preparty identified herein in Room 106 of the County Office Building.

located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as

ollows: CASE NUMBER: 82-74-A S/Cor Sollors Point and

Herrison Reads 7941 Sellers Paint Read

12th Election District 7th Gaussilmanic Distri

Petitionerisi: Christ Lutheran Church MEARMIG: WEDNESDAY, OCTOBER 16, 1901 at 8:00 a.m.

Variance to permit front street setbacks of 10 feet and 28 feet and

a between structure setback of 10 feet, all in lieu of the required 40 feet.

CERTIFICATO OF PUBLICATION

Dundalk Eagle

4 N. Center Place P. O. Box 8936 Dundalk, Md. 21222

September 12, 1991

THIS IS TO CERTIFY, that the annexed advertisement of Baltimore County Zoning Office - Notice of Hearing . Case #92-74-A - P.O. #0114509 - Req. #M54992 -61 lines @ \$30.50

was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week

successive weeks before the **19** 91 ; that is to say,

the same was inserted in the issues of September 12, 1991

Kimbel Publication, Inc.

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204 Zoning Commisioner

Date

Cashier Validation

Account: R-001-6150

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海田 (7) 中国法律执行的主要机会。 FF (UI SEC 2001/05 CARIABLE OTHER) 1 1 K S175.00 TOTAL: \$175.00

THE NAME OF OWNER: CHRIST LUTH OR

Please Make Chilicki Paris 68:18418 fore County \$175.00 BA CO08:52AH08-14-91

Pulltimore County Zoning Commisioner
County Office Building
111 West Chesapeake Avenue

Account: R-001-6150

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Prease Make Chenks Payable To: Bultimore Courty Cashier Validation

111 West Chesapeake Avenue

Towson, MD 2120+

- Baltimore County Government - 🗓 Office of Zoning Administration and Development Management Office of Planning & Zening

111 West Chesapeake Avenue Towson, MD 21204

Christ Lutheran Church 7041 Sollers Point Road Baltimore, Maryland 21222

CASE NUMBER: 92-74-A S/Cor Sollers Point and Harrison Roads 7041 Sollers Point Road 12th Election District - 7th Councilmanic Petitioner(s): Christ Lutheran Church HEARING: WEDNESDAY, OCTOBER 16, 1991 at 9:00 a.m.

Dear Petitioner(s):

Please be advised that \$______ is due for advertising and posting of the above captioned

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

BALTIMORE COUNTY, MARYLAND

cc: Douglas W. Ketterman

ZONING COMMISSIONER

Baltimore County Government

Office of Zoning Administration and Development Management

Office of Planning & Zoning

Your petition has been received and accepted for filing this

14th day of August, 1991.

Petitioner: Christ Luthern Church, et ux

Petitioner's Attorney:

Arnold Jablon, Director DATE: September 25, 1991

Pat Keller, Deputy Director

Botzler Associates, Item No. 109 Stupalski Property, Item No. 113

If there should be any further questions or if this office can

ITEMNO26/TXTROZ

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Zoning Administration and Development Management

Office of Planning and Zoning

Christ-Lutheran Church, Item No. 71
Fitzpatrick Property, Item No. 82
Lorenz Construction Co., Item No. 105 Trent Property, Item No. 119 Boggs Property, Item No 123 Duvall Property, Item No. 126

In reference to the Petitioner's request, starr offers no comments.

provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/pat

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21201

887 (354

887 3353

MIGHST 23, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 92-74-A S/Cor Sollers Point and Harrison Roads 7041 Sollers Point Road 12th Election District - 7th Councilmanic Petitioner(s): Christ Lutheran Church HEARING: WEDNESDAY, OCTOBER 16, 1991 at 9:00 a.m.

Variance to permit front street setbacks of 10 feet and 28 feet and a between structure setback of 10 feet, all in lieu of the required 40 feet.

Baltimore County Government

Fire Department

CUPIST LUTEFRAN CHURCU

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be

corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

Then both The control rependent for the property

#7041 SOLIEDS POINT ROAD

SEPTEMBER 16, 1991

(301) 887 4500

Fire Prevention Bureau

cc: Christ Lutheran Church Douglas W. Ketterman

700 East Joppa Road, Suite 901

Zoning Administration and

Paltimore County Office Building

Development Management

RE: Froperty Cwner:

Location:

Towson, MD 21204-5500

Arnold Jabler

Towson, MD 21204

Director

Centlemen:

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapcake Avenue Towson, MD 2120 c

October 1, 1991

88 - 3353

Mr. & Mrs. Robert F. Siperek Christ Lutheran Church 7041 Sollers Point Road Baltimore, MD 21222

> RE: Item No. 71, Case No. 92-74-A Petitioner: Christ Lutheran Church Petition for Variance

Dear Mr. & Mrs. Siperek:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Enclosures

Zoning Plans Advisory Committee

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: October 3, 1991

Mr. Arnold Jablon, Director Office of Zoning Administration and Development Management

Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: August 27, 1991

This office has no comments for item numbers 53, 64, 65, 66, 67, 68, 69, 70, 71, 74, 75, 76, 77, 78, 79 and 80.

Traffic Engineer II

RJF/lvd

Special Inspection Division

JP/KEK

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 4, 1991 Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting for August 27, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 53, 62, 64, 65, 66, 68, 70, 71, 72, 75, 76, 77, 78, 79 and 80.

For Item 67, this site must be submitted through the minor subdivision process for review and comments.

For Item 69, if maintenance or repair is required on the existing 15-inch drain along the east property line, Baltimore County may require the removal of the car port at the owner's expense.

For Item 74, this site is subject to the previous minor subdivision comments.

Developers Engineering Division

Baltimore County Government Department of Permits and Licenses

same apply to a many definite the formal for the

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MAR 27 1991

SKARDA & ASSOC. The state of the second second

March 25, 1991

Douglas W. Ketterman Skarđa & Associates

111 West Chesapeake Avenue

CALL: 887-3987

Towson, MD 21204

4806 York Road Baltimore, MD 21212

RE: PERMIT #:B084430 DISTRICT:12 PRECINCT: 11

LOCATION: 7041 Sollers Point Rd PLEASE MAIL ALL RESPONSES TO:

MR. SEIM "05" COMMENTS - PLANS REVIEW - PHONE 887-3987

THE FOLLOWING COMMENTS REQUIRE REVISED PLANS, OR, WHEN PERMISSIBLE, A LETTER FROM THE DESIGNER OF RECORD INDICATING HOW THE PROBLEMS WILL BE CORRECTED. PLANS OR LETTERS SHALL BE SENT TO THIS OFFICE: DIVISION/PERMITS AND LICENSES," ROOM 122, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204. COMMENTS FROM OTHER DEPARTMENTS OR AGENCIES SHALL BE RESOLVED DIRECTLY WITH THOSE DEPARTMENTS OR AGENCIES. DURING PEAK PERIODS, PHONE CALLS WILL BE ACCEPTED ONLY BETWEEN 2:00 AND 3:00 P.M. THANK

1. Please indicate the name of the professional engineer who will be responsible for the foundation, installation, and for providing the site foundation information and have him submit that information including soil test reports and signed and sealed data sheets to us.

THIS REVIEW COVERS ONLY MAJOR CODE REQUIREMENTS THE LAW REQUIRES COMPLIANCE WITH ALL CODE PROVISIONS, WHETHER POINTED OUT BY THE REVIEW

CC: Flans review, Sup. Copy, Inspection Folder, File, Fire Department Owner: Chirst Lutheran Church, 7041 Sollers Point Rd., Balto.

MD, 21222 Filer: Douglas W. Ketterman, Skarda & Associates, 4806 York Rd BALTIMORE, MD 21212

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE



September 27, 1991

ZONING OFFICE

ZONING COMMISSIONER, DEPARTMENT ZONING RICHARD F. SEIM, PLANS REVIEW CHIEF,

DEPARTMENT OF PERMITS & LICENSES

ZONING ITEM #: 71 PROPERTY OWNER: Christ Lutheran Church

LOCATION: S/cor Soller Point & Harrison Rds. (#7041 Sollers Point Road) ELECTION DISTRICT: 12th COUNCILMANIC DISTRICT: 7th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

() PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.02.02, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

() PARKING LOCATION () RAMPS (degree slope) NUMBER PARKING SPACES () CURB CUTS () BUILDING ACCESS () SIGNAGE

COUNCIL BILL #192-90 EFFECTIVE 1/13/91

() PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

(√) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

() A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING

() STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 517.0 COUNCIL BILL #192-90 (BALTIMORE COUNTY BUILDING CODE).

() OTHER -

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE APPLICABLE CODE: 1990 NATIONAL BUILDING CODES AS ADOPTED BY COUNTY

PETITIONER(S) SIGN-IN SHEET PLEASE PRINT CLEARLY 7041 SOLLERS FOINT RD. 21222 DOUGLAS KETTERMAN 7041 SOLLERS POINT ROAD BALTIMORE 21222 REV. ARTHUR E. LITKE Duane C. Milchling

IXHBY 33





